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ET 284671856 U10/088855

JC10 Rec'd PCT/PTO 21 MAR 2002

Atty. Docket #: 0775/00040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INTERNATIONAL APPL. NO.:** PCT/EP00/08817 :

**INTERNATIONAL FILING DATE:** -09/09/2000- :

**APPLICANT:** JOACHIM BERTHOLD ET AL :

**SERIAL NO:** (To be assigned) :

**ART UNIT:**

**FILED:** -HEREWITH- :

**EXAMINER:**

**FOR:** "POLYETHYLENE MOULDING COMPOUND  
WITH AN IMPROVED ESCR/STIFFNESS  
RELATION AND AN IMPROVED SWELLING RATE,  
A METHOD FOR THE PRODUCTION THEREOF AND  
THE USE THEREOF"

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

"Express Mail" No.: ET284671856

Date: - MARCH 21, 2002 -

I hereby certify that this paper, along with any other paper or fee referred to in this paper as being transmitted herewith, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, postage prepaid, on the date indicated above, addressed to the Commissioner for Patents, Washington, D.C. 20231

- J. Lynn Ferry -  
(Typed or printed name of mailing paper or fee)

*J. Lynn Ferry*  
(Signature of person mailing paper)

**TRANSMITTAL OF APPLICATION PAPERS  
TO U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. §371  
(37 CFR 1.494 OR 1.495)**

This Transmittal Letter is based upon PTO Form 1390 (as revised in May, 1993).

The above-identified applicant(s) (jointly with their assignee) have filed an International Application under the P.C.T. and hereby submit(s) to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

JC10 Rec'd PCT/PTO 21 MAR 2002

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay.
4. ☒ A proper Demand for International Preliminary Examination (IPE) was made to the appropriate Authority (IPEA) within the time period required.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2)) --IN ENGLISH--
  - a. ☒ is transmitted herewith (required when not transmitted by International Bureau).
  - b. ☐ has been transmitted by the International Bureau. See WIPO Publication WO 01/23446.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A (verified) translation of the International Application into the English language is enclosed. (See '5.' above.)
7. ☐ Amendments to the (specification and) claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
  - e. ☐ will be submitted with the appropriate surcharge.
8. ☐ A translation of the amendments to the claims (and/or the specification) under PCT Article 19 (35 U.S.C. §371(c)(3)) is enclosed or will be submitted with the appropriate surcharge.

International Application No. PCT/EP00/08817

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9. ☒ An oath or declaration/power of attorney of the inventor(s) (35 U.S.C. §371[c](4)) is enclosed  
☒ and is attached to the translation of (or a copy of) the International Application.  
☐ and is attached to the substitute specification.

10. ☒ A translation of at least the Annexes to the IPE Report under PCT Article 36 (35 U.S.C. §371[c](5)) is enclosed.

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 is enclosed.
12. ☒ An Assignment is enclosed for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment is enclosed.  
A SECOND or SUBSEQUENT preliminary amendment is enclosed.
14. ☐ A substitute specification (including claims, abstract, drawing) is enclosed.
15. ☐ A change of power of attorney and/or address letter is enclosed.
16. ☒ Other items of information:
- ☒ This application is being filed pursuant to 37 CFR 1.494(c) or 1.495(c), and any missing parts will be filed before expiration of--
- ☐ 22 months from the priority date under 37 CFR 1.494(c), or
- ☒ 32 months from the priority date under 37 CFR 1.495(c).
- ☐ The undersigned attorney is authorized by the International applicant and by the inventors to enter the National Phase pursuant to 37 CFR 1.494(c) or 1.495(c).

The following additional information relates to the International Application:

10/088855  
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International Application No. PCT/EP00/08817

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- ☒ Receiving Office: EPO  
☒ IPEA (if filing under 37 CFR 1.495): EPO  
☒ Priority Claim(s) (35 USC §§ 119, 365):  
    German Appln. 199 45 980.0 filed -September 24, 1999-  
☒ A copy of the International Search Report is

☒ enclosed.☐ attached to the copy of the International Application.

- ☒ A copy of the Receiving Office Request Form -will follow-.

- [X] Form PTO/SB/05 (1) sheet  
[X] Form PCT/IB/306 (1) sheet  
[X] Form PCT/ISA/210 (4) sheets SEARCH REPORT  
[X] Form PCT/IPEA/409 (5) sheets including ANNEX English Translation  
[X] Front page of WO 01/23446

The fee calculation is set forth on the next page of this Transmittal Letter.

## FEE CALCULATION SHEET

**[x]** A check in payment of the filing fee, calculated as follows, is attached (37 CFR 1.492).

<b>Basic Fee.....</b>	<b>\$ 890.00</b>
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**Total Number of claims in excess of (20) times \$18.....** **-0-**

**Number of independent claims  
in excess of (3) times \$84 .....** **-0-**

**Fee for multiple dependent claims \$280..... -0-**

**TOTAL FILING FEE...      \$    890.00**

**Kindly send us the official filing receipt.**

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Deposit Account No. 03-2775. This is a "general authorization" under 37 CFR 1.25(b), except that no automatic debit of the issue upon allowance is authorized. An additional copy of this page is attached.

**Respectfully submitted,**

By Wiley J. Payne

**Ashley I. Pezzner**  
**Reg. No. 35,646**  
**CONNOLLY BOVE LODGE & HUTZ LLP.**  
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**AIP/ jlf**

## Enclosures

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10088855 10/088855  
JC10 Rec'd PCT/PTO 21 MAR 2002

ATTORNEY DOCKET NO.: 0775/00040 (9086\*195)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Joachim Berthold *et al.* )  
SERIAL NO. TO BE ASSIGNED ) ART UNIT: TO BE ASSIGNED  
FILED: HEREWITH ) EXAMINER: TO BE ASSIGNED  
FOR: POLYETHYLENE MOULDING )  
COMPOUND WITH AN IMPROVED )  
ESCR/STIFFNESS RELATION AND AN )  
IMPROVED SWELLING RATE, A METHOD )  
FOR THE PRODUCTION THEREOF AND )  
THE USE THEREOF )

Commissioner for Patents  
Washington, D.C. 20231

"EXPRESS MAIL" No. ET284671856

DATE: MARCH 21, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

J. LYNN FERRY  
(TYPED OR PRINTED NAME OF  
PERSON MAILING PAPER OR FEE)

*J. Lynn Ferry*  
(SIGNATURE OF PERSON MAILING  
PAPER OR FEE)

**PRELIMINARY AMENDMENT PRIOR TO  
FEE CALCULATION AND EXAMINATION**

Sir:

Prior to fee calculation and examination please amend the above-identified application as follows.

**In the Specification**

In the specification at page 1, after the title, prior to line 4, please insert the following:

-- This application is a continuation of International Application PCT/EP00/08817 filed September 9, 2000, which published as WO 01/23446 on April 5, 2001 and which claims priority to German Application No. 199 45 980.0, filed September 24, 1999. --

## In the Claims

Please cancel claims 1 through 4.

Please add the following new claims 5 through 16 as follows:

-- 5. A polyethylene molding compound which comprises

(A) from 30 to 60% by weight of low-molecular-weight ethylene homopolymer A which has a viscosity number  $VN_A$  in the range from 40 to 150  $\text{cm}^3/\text{g}$ ,

(B) from 30 to 65% by weight of high-molecular-weight copolymer B comprising ethylene and a further olefin having from 4 to 10 carbon atoms which has a viscosity number  $VN_B$  in the range from 150 to 800  $\text{cm}^3/\text{g}$ , and

(C) from 1 to 30% by weight of ultrahigh-molecular-weight ethylene homopolymer or copolymer C which has a viscosity number  $VN_C$  in the range from 900 to 3000  $\text{cm}^3/\text{g}$  and

the molding compound has a multimodal molecular weight distribution which has an overall density of  $0.940 \text{ g/cm}^3$  and an  $\text{MFI}_{190/5}$  in the range from 0.01 to 10 dg/min.

6. The polyethylene molding compound according to claim 5, which has excellent convertibility into hollow articles, expressed by a swelling rate in the range from 100 to 300%.

7. A method for the production of the polyethylene molding compound according to claim 5, which comprises carrying out the polymerization of the monomers in suspension at a temperature in the range from 20 to 120°C, a pressure in the range from 2 to 60 bar and in the presence of a Ziegler catalyst which comprises a transition-metal compound and an organoaluminium compound, and the polymerization is carried out in three steps, with the

molecular weight of the polyethylene produced in each step in each case being regulated with the aid of hydrogen.

8. The method as claimed in claim 7, wherein the polymerization is carried out in a cascaded suspension polymerization.
9. The polyethylene molding composition according to claim 15, wherein the multimodal molecular weight distribution is a trimodal molecular weight distribution.
10. The polyethylene molding composition according to claim 5, wherein the further olefin is in an amount up to 5% by weight.
11. The polyethylene molding composition according to claim 5, wherein the molding composition contains up to 10% by weight of one or more comonomers selected from the group consisting of 1-butene, 1-pentene, 1-hexene, 1-octene and 4-methyl-1-pentene.
12. The molding compound according to claim 5, wherein the molding compound has a viscosity number  $VN_{tot}$  in the range from 190 to 700  $cm^3/g$ .
13. The molding compound according to claim 5, wherein the molding compound has a viscosity number  $VN_{tot}$  in the range from 250 to 500  $cm^3/g$ .
14. An article which comprises the molding composition according to claim 5.
15. The article as claimed in claim 14, wherein the article is a fuel tank, canister, drum or bottle.



\*ATTORNEY DOCKET NO.: 0775/00040 (9086\*195)

16. A process to make an article which comprises plasticating the polyethylene molding composition according to claim 5 in an extruder at temperatures in the range from 200 to 250°C and then extruding through a die into a blow mold and cooling therein. - -

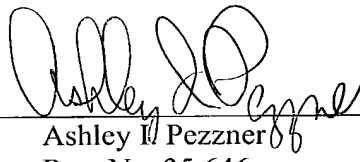
**REMARKS**

The applicants respectfully request that the preliminary amendment be entered prior to fee calculation and examination. The applicants have rewritten claims 1 through 3 in the proper U.S. form as newly added claims 5 through 7. Support for newly added claim 8 can be found in the specification at page 3, lines 10 and 11. Support for newly added claims 9 through 13 can be found in the specification at page 3, lines 15 through 29. Support for newly added claims 14 through 16 can be found in original claim 4. No additional fee is required for the claims. If there are any additional fees due in connection with the filing of this response, the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

A prompt and favorable action is solicited.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By   
Ashley I. Pezzner  
Reg. No. 35,646  
Tel. (302) 888-6270

191394

Polyethylene moulding compound with an improved ESCR/stiffness relation and an improved swelling rate, a method for the production thereof and the use thereof

The present invention relates to a polyethylene moulding compound having a multi-modal molecular weight distribution and to a method for the production of this  
5 moulding compound in the presence of a catalytic system comprising a Ziegler catalyst and co-catalyst via a multistep reaction sequence consisting of successive liquid-phase polymerizations, and to hollow articles produced from the moulding compound by extrusion blow moulding.

10 Polyethylene is widely used for the production of mouldings and containers since it is a material having a low inherent weight which nevertheless has particularly high mechanical strength, high corrosion resistance to moisture and water in combination with atmospheric oxygen and absolutely reliable long-term resistance and since  
15 polyethylene has good chemical resistance and in particular can easily be processed for bottles, canisters and fuel tanks in motor vehicles.

EP-A-603,935 has already described a moulding compound based on polyethylene which has a bimodal molecular weight distribution and which is also suitable, inter  
20 alia, for the production of pipes.

A raw material having an even broader molecular weight distribution is described in US Patent 5,338,589 and is prepared using a highly active catalyst disclosed in WO 91/18934 in which magnesium alkoxide is employed in the form of a gelatinous  
25 suspension. Surprisingly, it has been found that the use of this material in mouldings, in particular in pipes, facilitates a simultaneous improvement in the properties of stiffness and creep tendency, which are usually contradictory in partially crystalline thermoplastics, on the one hand, and stress cracking resistance and toughness on the other hand.



This object is achieved by a moulding compound of the generic type mentioned at the outset, whose characterizing features are to be regarded as being that it comprises from 30 to 60% by weight of a low-molecular-weight ethylene homopolymer A, from 65 to 30% by weight of a high-molecular-weight copolymer B comprising ethylene and another olefin having from 4 to 10 carbon atoms, and from 1 to 30% by weight of an ultrahigh-molecular-weight ethylene homopolymer or copolymer C, where all percentages are based on the total weight of the moulding compound.

- 10 The invention furthermore also relates to a method for the production of this moulding compound in cascaded suspension polymerization, and to hollow articles made from this moulding compound with very excellent mechanical strength properties.
- 15 The polyethylene moulding compound according to the invention has a density in the range  $\geq 0.940 \text{ g/cm}^3$  at a temperature of  $23^\circ\text{C}$  and has a broad trimodal molecular weight distribution. The high-molecular-weight copolymer B comprises small proportions of up to 5% by weight of further olefin monomer units having from 4 to 10 carbon atoms. Examples of comonomers of this type are 1-butene, 1-pentene, 20 1-hexene, 1-octene or 4-methyl-1-pentene. The ultrahigh-molecular-weight ethylene homopolymer or copolymer C may optionally also comprise an amount of from 0 to 10% by weight of one or more of the above-mentioned comonomers.

The moulding compound according to the invention furthermore has a melt flow index, in accordance with ISO 1133, expressed as  $\text{MFI}_{190/5}$ , in the range from 0.01 to 10 dg/min and a viscosity number  $\text{VN}_{\text{tot}}$ , measured in accordance with ISO/R 1191 in decalin at a temperature of  $135^\circ\text{C}$ , in the range from 190 to  $700 \text{ cm}^3/\text{g}$ , preferably from 250 to  $500 \text{ cm}^3/\text{g}$ .

- 30 The trimodality can be described as a measure of the position of the centres of the



based on the total weight of the polyethylene having a trimodal molecular weight distribution formed in all three steps, and  $VN_3$  represents the viscosity number which is measured on the polymer after the third polymerization step and is identical with the  $VN_{tot}$  already mentioned above. The value calculated for  $VN_C$  is in accordance with the invention in the range from 900 to 3000  $cm^3/g$ .

The polyethylene is obtained by polymerization of the monomers in suspension or at temperatures in the range from 20 to 120°C, a pressure in the range from 2 to 60 bar and in the presence of a highly active Ziegler catalyst composed of a transition-metal compound and an organoaluminium compound. The polymerization is carried out in three steps, i.e. in three successive steps, with the molecular weight in each case being regulated with the aid of metered-in hydrogen.

The polymerization catalyst's long-term activity, which is necessary for the cascaded procedure described above, is ensured by a specially developed Ziegler catalyst. A measure of the suitability of this catalyst is its extremely high hydrogen responsiveness and its high activity, which remains constant over a long period of from 1 to 8 hours. Specific examples of a catalyst which is suitable in this manner are the products cited in EP-A-0 532 551, EP-A-0 068 257 and EP-A-0 401 776 of the reaction of magnesium alkoxides with transition-metal compounds of titanium, zirconium or vanadium and an organometallic compound of a metal from groups I, II or III of the Periodic Table of the Elements.

Besides the polyethylene, the polyethylene moulding compound according to the invention may also comprise further additives. Additives of this type are, for example, heat stabilizers, antioxidants, UV absorbers, light stabilizers, metal deactivators, peroxide-destroying compounds, basic costabilizers in amounts of from 0 to 10% by weight, preferably from 0 to 5% by weight, but also fillers, reinforcing agents, plasticizers, lubricants, emulsifiers, pigments, optical brighteners, flame retardants, anti-statics, blowing agents or combinations thereof in total amounts of from 0 to 50% by







**Example 2 (according to the invention)**

Example 1 was repeated with the following changes:

5 The polymerization in the first reactor was carried out at a temperature of 82°C and a pressure of 0.89 MPa for a period of 2.6 hours with a hydrogen content of 68% by volume in the gas space of the reactor.

10 The suspension from the first reactor was then transferred into a second reactor, in which the amount of hydrogen had been reduced to 10 parts by volume in the gas space of the reactor and the amount of C<sub>4</sub> comonomer had been increased to 0.7 parts by volume in the gas space of the reactor. The reduction in the amount of hydrogen was again carried out via interim H<sub>2</sub> decompression.

15 The polymerization in the second reactor was carried out at a temperature of 80°C and a pressure of 0.37 MPa for a period of 66 minutes.

20 The suspension from the second reactor was transferred into the third reactor, and the amount of hydrogen in the gas space of the third reactor was set to 0.6% by volume and that of C<sub>4</sub> comonomer to 0.8% by volume.

The polymerization in the third reactor was carried out at a temperature of 80°C and a pressure of 0.15 MPa for a period of 36 minutes.

25 The viscosity numbers and proportions w<sub>A</sub>, w<sub>B</sub> and w<sub>C</sub> of polymer A, B and C applying to the polyethylene moulding compound produced in accordance with Example 2 are given in Table 1 shown below together with the corresponding data for the moulding compounds produced in accordance with the other examples.





**Comparative Example (CE):**

Example 1 was repeated, but with the difference that the polymerization was terminated after the second reaction step.

5

The polymerization in the first reactor was carried out at a temperature of 84°C and a pressure of 0.90 MPa for a period of 4.2 hours with a hydrogen content of 76% by volume in the gas space of the reactor.

10 The suspension from the first reactor was then transferred into a second reactor, in which the amount of hydrogen had been reduced to 3.0 parts by volume in the gas space of the reactor and the amount of C<sub>4</sub> comonomer had been increased to 1.9 parts by volume in the gas space of the reactor. The reduction in the amount of hydrogen was again carried out via interim H<sub>2</sub> decompression.

15

The polymerization in the second reactor was carried out at a temperature of 83°C and a pressure of 0.21 MPa for a period of 80 minutes.

This gave a polyethylene having a bimodal molecular weight distribution, as corresponds to the prior art in accordance with EP-A 603 935.

20

Table 1

Example	1	2	3	4	CE
$W_A$	0.35	0.45	0.55	0.55	0.52
$W_B$	0.55	0.45	0.35	0.35	0.48
$W_C$	0.10	0.10	0.10	0.10	0
$VN_1$ [cm <sup>3</sup> /g]	80	80	100	60	55
MFR(2)	3.5	2.3	2.3	2.0	0.7
MFR(3)	1.2	0.7	0.55	0.56	---
MFR/5 [g/10']	1.07	0.55	0.30	0.36	0.4
MFR/21.6 [g/10']	17.9	11	9.5	13.8	13.4
FRR 21.6/5	17	20	31.6	36.3	33.6
$VN_{tot}$ [cm <sup>3</sup> /g]	306	325	392	373	329
Density [g/cm <sup>3</sup> ]	0.954	0.952	0.953	0.954	0.954
FT 0°C [kJ/m <sup>2</sup> ]	9.6	10.7	12.6	7.8	6
FCM [N/mm <sup>2</sup> ]	1270	1200	1240	1280	1275
SR rheometer [%]	200	151	153	143	91
SCR [h]	3.7	16	54.2	54.1	39









1. Polyethylene moulding compound having a multimodal molecular weight distribution which has an overall density of  $\geq 0.940 \text{ g/cm}^3$  and an  $\text{MFI}_{190/5}$  in the range from 0.01 to 10 dg/min, characterized in that it comprises an amount of from 30 to 60% by weight of low-molecular-weight ethylene homopolymer A which has a viscosity number  $\text{VN}_A$  in the range from 40 to 150  $\text{cm}^3/\text{g}$ , an amount of from 30 to 65% by weight of high-molecular-weight copolymer B comprising ethylene and a further olefin having from 4 to 10 carbon atoms which has a viscosity number  $\text{VN}_B$  in the range from 150 to 800  $\text{cm}^3/\text{g}$ , and an amount of from 1 to 30% by weight of ultrahigh-molecular-weight ethylene homopolymer or copolymer C which has a viscosity number  $\text{VN}_C$  in the range from 900 to 3000  $\text{cm}^3/\text{g}$ .
  2. Polyethylene moulding compound according to Claim 1, characterized in that it has excellent convertibility into hollow articles, expressed by a swelling rate in the range from 100 to 300%.
  3. Method for the production of a polyethylene moulding compound according to Claim 1, in which the polymerization of the monomers is carried out in suspension at temperatures in the range from 20 to 120°C, a pressure in the range from 2 to 60 bar and in the presence of a highly active Ziegler catalyst composed of a transition-metal compound and an organoaluminium compound, characterized in that the polymerization is carried out in three steps, with the molecular weight of the polyethylene produced in each step in each case being regulated with the aid of hydrogen.
  4. Use of a polyethylene moulding compound according to Claim 1 for the production of hollow articles, such as fuel tanks, canisters, drums or bottles, where the

polyethylene moulding compound is firstly plasticated in an extruder at temperatures in the range from 200 to 250°C and then extruded through a die into a blow mould and cooled therein.

\* \* \* \* \*

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

In the matter of the above-identified application, please recognize the attorneys associated with **CUSTOMER NUMBER 23416**; all of **CONNOLLY BOVE LODGE & HUTZ LLP**, as attorneys with full power of substitution to prosecute this application and conduct all business in the Patent and Trademark Office connected therewith.

Send Correspondence To: <b>Connolly Bove Lodge &amp; Hutz LLP</b> P.O. Box 2207 Wilmington, Delaware 19899-2207	Direct Telephone Calls To: (302) 658-9141
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100 FULL NAME OF SOLE OR FIRST INVENTOR <b>Joachim Berthold</b>	INVENTOR'S SIGNATURE <i>Joachim Berthold</i>	DATE <b>20.01.2002</b>
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RESIDENCE	CITIZENSHIP	German
POST OFFICE ADDRESS		
FULL NAME OF SIXTH JOINT INVENTOR IF ANY	INVENTOR'S SIGNATURE	DATE
RESIDENCE	CITIZENSHIP	German
POST OFFICE ADDRESS		